THE HONOURABLE SHRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No. 24941 OF 1997

Dated 2nd March, 2007

Between:

Mallipudi Abbulu

Petitioner

And

Collector, Kakinada and others.

Respondents.

ORAL ORDER:

In this writ petition, the petitioner seeks directions by way of mandamus to the respondents not to evict him from the land admeasuring Ac.3.82 cents in Survey No.41/2B of Kotharamavaram village, Gangavaram Mandal, East Godavari District.

In the affidavit filed in support of the writ petition, it is stated that the petitioner was granted D-Form patta in an extent of Ac.3-82 cents in Survey No. 41/2 B of Kotharamavaram village, Gangavaram Mandal of East Godavari District and he is in possession of the same. It is further stated that a notice was issued by the Sub-Collector, Rampachodavaram, East Godavari District for cancellation of the D-Form Patta, as against which, the petitioner filed a writ petition, wherein it was directed to conduct enquiry and pass orders. LTRP No. 112 of 1997 was also filed under the Andhra Pradesh Scheduled Area Land Transfer Regulation 1 of 1959, as amended by Regulation 1 of 1970, by the Deputy Tahsildar, Tribal Welfare. But, no orders have yet been passed in both the proceedings. However, the Mandal Revenue Officer is trying to evict the petitioner from the land in question.

It is submitted by the learned counsel for the petitioner that in the earlier round of litigation, though there was a direction to the respondents to conduct enquiry, no enquiry was conducted and again steps were being taken to evict the petitioner and hence the petitioner filed the present writ petition in the year 1997.

In spite of the fact that the writ petition is of the year 1997, no counter affidavit is filed and there is also no representation on behalf of the respondents.

At the state of admission, this court had granted interim orders on 1.10.1997 and the said interim orders continued all along.

As it is pleaded that no orders of eviction have been passed either pursuant to the notice issued by the Sub-Collector for cancellation of D-Form patta, or, in the proceedings initiated under Regulation 1 of 1959, I dispose of the writ petition directing the respondents not to evict the petitioner from the land admeasuring Ac.3.82 cents in Sy. No.41/2 B of Kotharamavaram village, Gangavaram Mandalam, East Godavari District, which is covered by D-Form patta issued in favour of the petitioner. However, it is made clear that if any orders of eviction are passed either cancelling the patta or in the proceedings initiated under Regulation 1 of 1959, it is open for the respondents to enforce the said orders.

Subject to above directions, the writ petition is disposed of. No costs.

2-3-2007.

R.SUBHASH REDDY, J.

VR